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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,179	02/16/2001	Timothy P. Meier	283-304	5313

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EXAMINER

LE, BRIAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,179

Applicant(s)

MEIER ET AL.

Examiner

Brian Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-57 is/are allowed.
- 6) ☒ Claim(s) 21-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/19/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/25/2004</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and Arguments

1. Applicant's amendment filed August 19, 2004, has been entered and made of record.
2. The Examiner acknowledges the cancellation of claims 1-20.
3. Applicant's arguments, see "Remarks", filed August 19, 2004, with respect to the new claims 21-57 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Norton U.S. Patent No. 6,705,531 and DePietro U.S. patent No. 6,601,045.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Element 10-1 of FIG. 1a and element 10-2 of FIG. 1d were not described in the original disclosure. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10-1" and "10" have both been used to designate identification card reader.

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Similar issue also need to address to reference characters "10-2, 10" and 10-4, 10". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-29, 30-34, and 40-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, the Applicant does not disclose the support of the exactly claimed limitation 'a' and limitation 'b'. Specifically, the Applicant does not show the support of the first type and the second type of card identification and the control circuit that is designed to work with the two types of identification card (This also apply to claims 30 and 40). Claims not specifically addressed depend from indefinite antecedent claims.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21, and 23-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Norton U.S. Patent No. 6,705,531 and DePietro U.S. patent No. 6,601,045.

Regarding claim 21, Norton teaches a card reader apparatus for reading and validating information encoded on an identification card (FIG. 6B), said apparatus comprising:

A data input unit including an optical reader (smart card reader including the optical reading ability) (FIG. 6B, element 70) for reading a first type of identification card having cardholder identity information encoded in bar code symbols (column 10, lines 25-39), said data input unit further including a credit card reader for reading a second type of identification card having cardholder identity information encoded on a magnetic stripe or a smart card (column 5, lines 57-70);

A processor system for receiving signals from said data input unit (FIG. 6B, element 72), said processor system comprising:

An I/O bus (connection lines between different operating units) (FIG. 6B and FIG. 2, element 28);

A memory (FIG. 6B, element 74); and

A control circuit (controller) (FIG. 6B, element 71) connected to said I/O bus and said memory for decoding said signals received from said data input unit in accordance with

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predetermined control operation parameters in order to recognize said first or second type of identification cards (column 11, lines 29-45), and for comparing (matching) said identity information with correlated cardholder information (column 11, lines 55-60) stored in an external (external/optical medium) (column 12, lines 10-26) non-volatile database (column 6, lines 30-35). Norton does not explicitly teach a local housing terminal with a display. Depietro further teaches a card reading apparatus comprises a terminal and a display (FIG. 1 and FIG. 11, element 26). Modifying Norton's method of card reading apparatus according to Depietro would be able to further providing the interaction between the user and the card identification by providing the housing terminal with the display. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Norton according to Depietro.

For claim 23, Depietro further teaches the card reader apparatus wherein said local housing terminal is at least partially portable (column 10, lines 38-40).

Regarding claim 24, Depietro teaches the card reader wherein said local housing terminal includes a non-portable stand (FIG. 8 and FIG. 9).

Referring to claim 25, Depietro teaches the card reader wherein said display includes prompt messages for a user (column 6, lines 6-10).

For claim 26, please refer back to claim 25 for the teaching.

For claim 27, Norton teaches the card reader wherein said card type is determined automatically when an identification card is present in a field of view of said optical reader or said credit card reader (the external power supply automatically activates to trigger the card identification system one the card is inserted) (column 8, lines 55-67 and column 9, lines 1-16).

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Regarding claim 28, Norton further teaches the card reader which further comprises a lookup table for storing said predetermined control operation parameters based on the card type detected by the data input unit (locate and read authorization code) (FIG. 10, element 132, 135 and 138).

Regarding claim 29, Norton also discloses type of signal decoding algorithm (FIG. 8).

For claim 30, please refer back to claims 21 and 25 for the teachings and explanations.

Referring to claim 31, Norton further teaches the system wherein said integrated card reader apparatus further comprises OCR reader and smart card reader (FIG. 6B, element 42).

For claim 32, Norton teaches the system which includes multiple card readers located at different locations having access to said external database (external/optical medium) (FIG. 6B, elements 10, 52, 60, 69 and 70) (column 12, lines 10-26).

For claim 33, Norton teaches the system wherein said multiple card readers have access to said external database via wireless (column 10, lines 15-24 and column 12, lines 9-26).

Regarding claim 34, Norton further teaches the system wherein said cardholder information comprises related name filed data parsed from the encoded data on said one or more types of identification cards for comparison with correlated cardholder information stored in said external database (exchange information process for the verification purpose) (column 7, lines 10-27).

Regarding claims 35-39, please refer back to claims 21-22, and 27-28 respectively for the teachings and explanations.

For claims 40-46, please refer back to claims 21 and 25 for the teachings and explanations.

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10. Claims 22 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over combination of Norton U.S. Patent No. 6,705,531 and DePietro U.S. patent No. 6,601,045 as applied to claim 22 above, and further in view of Terrell U.S. Patent 6,076,731.

Regarding claim 22, Norton does not teach the credit card reader includes a touch screen signature component. Terrell further teaches a credit card reader process (FIG. 1A) includes a touch screen signature capture component (column 2, lines 1-6). Modifying Norton's method of card reading apparatus according to Terrell would be able to enhance the verification process further by allowing the operator to verify the signature visually (column 6, lines 50-60). This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Norton according to Terrell.

For claim 47, please refer back to claim 22 for the teaching and explanation.

Allowable Subject Matter

11. Claims 48-57 are allowed.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL
February 1, 2005



**SAMIR AHMED
PRIMARY EXAMINER**